

# **EXHIBIT B**



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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/621,152   | 07/15/2003  | Alfred Thomas        | 47079-00219USPT     | 1210             |
| 70243  | 7590        | 09/16/2009           |                     |                  |
| NIXON PEABODY LLP<br>300 S. Riverside Plaza<br>16th Floor<br>CHICAGO, IL 60606 |             |                      |                     |                  |
| EXAMINER   |             |                      |                     |                  |
| LEIVA, FRANK M   |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 3714   |             |                      |                     |                  |
| MAIL DATE  |             | DELIVERY MODE        |                     |                  |
| 09/16/2009   |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/621,152

**Applicant(s)**

THOMAS, ALFRED

**Examiner**

FRANK M. LEIVA

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-7,11-23,25,26 and 30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,11-23,25,26 and 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination***

1. In view of the Appeal Brief filed on 05 June 2009, PROSECUTION IS HEREBY REOPENED. The New ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

\_\_\_\_\_.

### ***Acknowledgements***

2. This examination is applied to the claims amended 04 April 2008 and thus will be treated as a Final Necessitated action. Examiner acknowledges amendments to independent claims 1, 13, 20 and 30 in applicant's submission filed 04 April 2008, and fillings of affidavits submitted with the Appeal Brief on 05 June 2009.

***Response to Arguments***

3. Applicant's arguments with respect to claim 1, 3-7, 11-23, 25-26 and 30 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 3-6, 11-15, 18-20, 22-23, 25-26 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh et al. (US 2004/0062025 A1) in view of Inoue (US 5,722,891) and further in view of Jasper et al. (US 2003/0022713 A1)**

6. Regarding the analogous art combination; Satoh discloses a single set of reels with modified appearance when playing a bonus game or special feature game; Inoue discloses changing the appearance of the reels during a Bonus game even when the Bonus game is played in a different set of reels, to push the players attention to the second set of reels; and Jasper discloses a single set of reels game that has a bonus game using the same reels to generate a Bonus playing scheme with different odds from the Base game.

7. **Regarding claims 1 and 30; Satoh discloses a method for changing an appearance of a plurality of mechanical reels device displayed on a gaming machine, (¶ [0001] and [0007]);**

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the method comprising receiving a wager to play a base wagering game that utilizes the mechanical reels, (§ [0001-0002]) where Slot machines are well-known casino games that require a wager to play a base game;

detecting an indication to play a special feature game that utilizes the mechanical reels device, (§ [0054]) where the system changes color in response to a change to bonus game it is inherent that the system also detect the indication to play the special feature game (bonus game); and

in response to detecting the indication, changing an appearance of the mechanical reels prior to playing the special feature game to provide visual notification to a player that the special feature game is underway rather than the base wagering game (§ [0054]);

Satoh is silent to the change of appearance being maintained during the bonus round or game and although one of ordinary skill would think to do so, Inoue discloses the changed appearance of the mechanical reels being maintained while the special feature game is played, (col. 3:41-48), where the indicator is on during the bonus game, making it more conspicuous. It would have been obvious to modify Satoh by maintain the color change indication of the reels during the bonus round as shown in Inoue to show the player that he/she are still playing the bonus round and the game has not resumed.

Satoh also fails to disclose having different odds for the base game and bonus game, whereas Jasper discloses the base wagering game having a first mathematical model of player odds (first set of odds), the outcomes of the player odds displayable on the mechanical reels (claim 1 line 3-6); and the special feature game having, a second mathematical model of player odds (second set of odds), the outcomes of the player odds displayable on the mechanical reels (claim 1 line 7-12), and the second mathematical model being different from the first mathematical model (claim 3). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Satoh by having different sets of mathematical models for the Bonus and Base games to increase

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player retention on the game. The higher odds on the Bonus game, yields higher prizes for the players.

**8. Regarding claims 3 & 25;** Satoh further discloses wherein the special feature game comprises a bonus game, (¶ [0054]).

**9. Regarding claims 4 & 26;** Satoh, Inoue and Jasper discloses all the limitations of claims 1 and 20 from which claims 4 and 26 depend, and Inoue further discloses wherein the special feature game (bonus game) comprises a secondary game requiring an additional wager (claim 8). It would have been obvious try after combining Satoh with Inoue; to modify Satoh, Inoue and Jasper with the additional wager of Inoue for the bonus round in order to entice the player into further bets.

**10. Regarding claims 5 & 14;** Satoh further discloses wherein changing the appearance comprises illuminating an illumination source of the gaming machine, (¶ [0054]).

**11. Regarding claims 6, 15 and 22;** Satoh further discloses wherein the illumination source is selected from the group consisting of black-light, colored light emitting diodes, white light emitting diodes, organic light emitting diodes, incandescent bulbs, colored film in conjunction with incandescent bulbs and colored film in conjunction with light emitting diodes, (¶ [0054]).

**12. Regarding claims 11 & 18;** Satoh further discloses wherein the first and second indications are based on a selection by a player, (¶ [0004-0005]), wherein the illumination is dependent on the amount of coins (paylines selected) wagered by the player.

**13. Regarding claims 12 & 19;** Satoh further discloses wherein the indication is based on a triggering event occurring during base wagering game play (slot game), (¶ [0004-0005]), wherein the illumination is triggered by the symbols stopping on the active paylines.

**14. Regarding claim 13;** Satoh further discloses a method for changing an appearance of a plurality of mechanical reels on a gaming machine, the method comprising: receiving a wager to play a slot game that utilizes the plurality of mechanical reels; detecting a first indication to play a bonus game that utilizes the plurality of mechanical reels; in response to detecting the first indication, changing a color of the plurality of mechanical spinning reels prior to playing the bonus game and maintaining the changed color of the plurality of mechanical spinning reels during the playing of the bonus game; detecting a second indication to terminate play of the bonus game; and in response to detecting the second indication, restoring the color to the plurality of mechanical spinning reels, (¶ [0054]), the indication of transition means that prior to the bonus stage starting the colors are changing, the implication of a transition means that the colors will remain during the bonus and change back, (another transition to normal).

**15. Regarding claim 20;** Satoh further discloses a gaming machine comprising: a value input device; a displayed plurality of mechanical reels operable during both a base game and a special feature game; an illumination source adapted to illuminate the displayed mechanical reels device; and a controller operatively coupled to the value input device, the displayed mechanical reels and the illumination source, the controller comprising a processor and a memory coupled to the processor, the controller being programmed to allow a player to make a wager to play the base game, detect a first indication to play the special feature game, and in response to detecting the first indication, illuminate the illumination source to change an appearance of the displayed mechanical reels prior to playing the special feature game to provide visual notification to a



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player that the special feature game is underway rather than the base game and the changed appearance of the mechanical reels is maintained while the special feature game is played, (¶ [0001-0004 and 0054]), ], the indication of transition means that prior to the bonus stage starting the colors are changing, the implication of a transition means that the colors will remain during the bonus and change back, (another transition to normal).

**16. Regarding claim 23;** Satoh further discloses wherein the change to the appearance of the displayed mechanical reels comprises a color change to the displayed mechanical reels, ¶ [0054]).

**17. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh, Inoue and Jasper in further view of Poole et al. (US 6,702,675 B2).**

**18.** Regarding the analogous art combination; Poole teaches an image superimposition over video reels that although it is done in a video display, the three dimensional aspect of the image teaches any overlaying graphics display that it would be an ideally visual effect.

**19. Regarding claims 7 & 17;** Satoh, Inoue and Jasper disclose all the limitations of claims 1 and 13 which claims 7 and 17 depend, and Poole discloses in Fig. 4 and 5 of his invention, wherein changing the appearance comprises overlaying a video image upon the mechanical reels, wherein Poole is a video slot game, still it represents the image as if overlaid on the virtual reels. The examiner points to the simple nature of overlaying a picture in front of the reels after viewing Poole, it would not be an invention but a simple incorporation of Poole and would yield the predictable result.

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**20. Claims 16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh, Inoue and Jasper in further view of Official Notice.**

21. Regarding the examiner's assertion of Official Notice; the examiner deems the Official Notice asserted in the previous action as admitted prior art since there was no contest or traverse raised in applicant's response to the action. Please see MPEP 2144.03.

**22. Regarding claims 16 and 21;** Satoh discloses changing colors to mark the transition to a bonus feature, and or to mark any change in game state including the termination of the bonus feature, ([0001 and 0054]), yet Satoh fails to mention de-illumination as an indication where the examiner states as admitted prior art that the color remaining by not illuminating an object is the same as a change of color, as simple as black being the absence of color yet a color in itself, so is the illumination with a colored light and de-illuminating it would constitute a change in color and thus disclose in Satoh though not explicitly is, in response to detecting the second indication, de-illuminate the illumination source to restore the appearance of the displayed mechanical reels.

***Examiner's Note***

23. Examiner has cited paragraphs and figures in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **FRANK M. LEIVA** whose telephone number is (571)272-2460. The examiner can normally be reached on M-Th 9:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter D. Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FML

09/10/2009

/Peter D. Vo/

Supervisory Patent Examiner, Art Unit 3714

**Notice of References Cited**

Application/Control No.

10/621,152

Applicant(s)/Patent Under  
Reexamination  
THOMAS, ALFRED

Examiner

FRANK M. LEIVA

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**U.S. PATENT DOCUMENTS**

| * |   | Document Number<br>Country Code-Number-Kind Code | Date<br>MM-YYYY | Name          | Classification |
|---|---|--|-----------------|---------------|----------------|
| * | A | US-5,722,891                                     | 03-1998         | Inoue, Haruo  | 463/20         |
| * | B | US-2003/0022713                                  | 01-2003         | Jasper et al. | 463/20         |
|   | C | US-  |                 |               |                |
|   | D | US-  |                 |               |                |
|   | E | US-  |                 |               |                |
|   | F | US-  |                 |               |                |
|   | G | US-  |                 |               |                |
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| * |   | Document Number<br>Country Code-Number-Kind Code | Date<br>MM-YYYY | Country | Name | Classification |
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|   | R |  |                 |         |      |                |
|   | S |  |                 |         |      |                |
|   | T |  |                 |         |      |                |

**NON-PATENT DOCUMENTS**

| * |   | Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) |
|---|---|---|
|   | U |   |
|   | V |   |
|   | W |   |
|   | X |   |

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.